

REMARKS

At the Examiners suggestion, Claims 13, 20 and 21 have been amended to recite "dry etching" in place of "drywall etching". Support for new claims 24 and 25 can be found, for example, at page 3 line 30 to page 4 line 1 of the specification. Support for new claim 26 can be found, for example, in Example 3 on page 6 of the specification. Support for new claim 27 can be found, for example, in claim 13. No new matter has been added.

Rejection under 35 USC§ 112

In the interest of furthering prosecution, the claims have been amended to address the rejections under 35 USC §112 and the rejection is believed to be moot. Withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. '102(b) and 103

The rejections under Ohnishi are respectfully traversed.

At page 4, last paragraph, bridging page 5, lines 1-3 of the Office Action the Examiner makes reference to Ohnishi's comparative example. The Examiner *speculates* that Ohnishi is using standard 49%HF. Ohnishi's discussion of Fig. 3, at Col 7, lines 37+, mentions a comparison where a 1% hydrofluoric acid is added to a liquid mixture of sulfuric acid and H₂O₂ in a 5:1 ratio. Is this 1% of a standard 49% HF solution, a 1% HF solution or a 1% concentration of HF in the final solution? Furthermore, it cannot be determined if the ratio is by weight or by volume. There is simply not enough meaningful information provided for one skilled in the art to arrive at the present invention. The teaching is ambiguous at best.

As the Examiner notes on page 4 of the Office Action, Ohnishi does not explicitly teach the amount of HF that is produced in solution. The Examiner *believes* that the weight ratio between sulfuric acid and HF would be inherently present. It is not enough to "believe", the rejection must be supported by more than speculation or belief. As noted above, the teachings of Ohnishi with regards to amounts, ratios and concentrations are ambiguous.

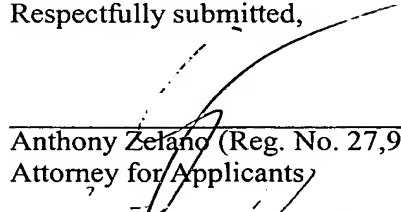
It is the Examiner's view that the Applicant and Ohnishi use their respective compositions for the same purpose and that Ohnishi's use of HSO_3F cannot be considered a substance that "materially affects the basic and novel characteristics of the claimed invention." See "consisting essentially of" in the claims. However, as can be seen by Ohnishi's figure 3, which directly compares HSO_3F and HF, they do not etch in the same manner. Furthermore, Ohnishi teaches away from the use of HF, the Examiner's statements to the contrary on page 7 of the Office action, notwithstanding. Ohnishi adds fluorosulfuric acid (HSO_3F) or SO_2F_2 to sulfuric acid in order to generate HF by reaction with water molecules, which are present in the solution. These are used "instead of using hydrofluoric acid." (Col. 2, lines 47-52). This is a teaching to eliminate use of HF. How can this lead one to use HF in Ohnishi's art?

Thus, the reference fails to teach or suggest a process for removing sidewall residue after dry etching with a solution consisting essentially of sulfuric acid, a fluorine containing compound, which is hydrogen fluoride, ammonium fluoride or an alkali metal fluoride, and hydrogen peroxide where the weight ratio of sulfuric acid to the fluorine-containing compound is 10:1 to 700:1.

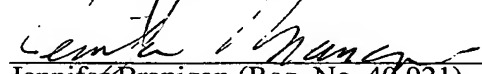
The claims of the application are submitted to be in condition for allowance. However, should the examiner have any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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